IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 2729 of 2005

Between:

Pingali Venkata Ravinder Reddy, S/o. P. Bhaskar Reddy,
R/o. H.No. 3-7-329, Vavilala Pally, Karim Nagar District.

..... PETITIONER

AND

The Pass port Officer, Regional Pssport Office,
Secunderabad. A.P.,

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ, or Order, particularly Writ in the Nature of Mandamus, declaring the inaction of the respondent to issue fresh passport by correcting the date of 20th August, 1958 from that of the incorrect date of birth mentioned as 20th June, 1961 in Old Pass port No. T-424773, dt. 23rd Nov., 1982, which was valid up to 22nd Nov., 1987, and cancelled by the respondent, by issuing the new passport as per the application dt. 31st may, 2004 & 5th Jan., 2005 as arbitrary, illegal and high handed on the part of the respondent.

Counsel for the Petitioner:MR.BAJRANG SINGH THAKUR

Counsel for the Respondent : MR.A.RAJASHEKAR REDDY (SC FOR CG)

The Court at the stage of admission made the following :

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O R D E R:

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Heard the learned counsel for the petitioner and the learned standing counsel for the Central Government appearing for the respondent-Passport Authority-Passport Authority.

It is the case of the petitioner that his actual date of birth is 20-08-1958, but in the passport issued to him by the respondent-Passport Authority on 23.11.1982, his date of birth was wrongly mentioned as 20-06-1961, and that though he represented to the respondent-Passport Authority to alter his date of birth in the Passport and issue fresh passport, the respondent-Passport Authority refused to entertain his application on the ground that he has no power to make correction of date of birth in the passport. It is further stated that in the meanwhile the period of passport expired and therefore he made an application dated 05-01-2005 together with the requisite fees, for a fresh passport incorporating the correct date of birth. In response to the same, the respondent made an endorsement on his application to bring an order from the Court regarding correction of his date of birth. Aggrieved by the said action respondent, this writ petition is filed.

It is required to be noticed that there is no provision under the Passports Act, 1967, which empowers the Regional Passport Officer to correct entries in the Passport. However, pursuant to the judgment of the High Court of Judicature at Bombay, in W.P.No.1072 of 2000, the Government of India issued instructions/clarifications in Circular dated 18-04-2001, which are to the following effect:

> " (a) Where an applicant is seeking rectification/correction of a mistake in the entry on date of birth/place of birth is the passport, PIA (Passport Issuing Authority) may after verifying/satisfying himself, effect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.

(b) Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General Clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.

(c) Where the initial entry has been made on the basis of a supportive document issued by one competent authority i.e., school/educational authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent court of jurisdiction, certifying the valid date of birth/place of birth."

As on today, if any request for correction of date of birth in the passport is made, the Passport Issuing Authority is required to follow the aforementioned instructions. In that view of the matter, the respondent ought to have considered the application of the petitioner for fresh passport in the light of the above instructions in Circular dated 18-04-2001.

Therefore, the Writ Petition is disposed of with a direction to the respondent to consider the request of the petitioner afresh on the basis of his application dated 05.01.2005 for issuance of fresh passport with correct date of birth and process the same after verifying the genuineness or otherwise thereof basing on the documents the petitioner may file in support of his case for change of date of birth, in the light of the aforementioned guidelines, and pass appropriate orders.

With the above directions, the writ petition is disposed of. No costs.

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17.02.2005

Note : Furnish C.C. in one week.

(B/O)

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To

1 The Pass port Officer, Regional Pssport Office,
Secunderabad. A.P.

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